



PATENT
Docket No.: 19603/3356 (CRF D-1595F)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Barany et al.

Serial No. : 09/963,920

Cnfrm. No. : 1149

Filed : September 26, 2001

For : DETECTION OF NUCLEIC ACID SEQUENCE)
DIFFERENCES USING THE LIGASE)
DETECTION REACTION WITH)
ADDRESSABLE ARRAYS)

)
) Examiner:
) P. Ponnaluri

)
) Art Unit:
) 1639

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING SECOND PATENT APPLICATION**

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioners, Cornell Research Foundation, Inc., Regents of the University of Minnesota, and Board of Supervisors of Louisiana State University and Agricultural and Mechanical College are joint owners of the instant application. Petitioners hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, filed prior to the grant of any patent granted on pending second U.S. Patent Application Number 10/272,152, filed on October 15, 2002. Petitioners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the

full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The assignees of the entire right, title and interest of the above-identified application, hereby confirm that assignments for the subject application were recorded on July 14, 1997, at Reel 8609/Frame 0541 to Cornell Research Foundation, Inc., September 2, 1997, at Reel 8695/Frame 0453 to Regents of the University of Minnesota, July 14, 1997, at Reel 8609/Frame 0578, September 19, 1997, at Reel 8696/Frame 0528, and March 18, 2003, at Reel 013853/Frame 0531 to Board of Supervisors of Louisiana State University and Agricultural and Mechanical College in the U.S. Patent and Trademark Office.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignees identified above.

For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

Enclosed is a check to cover the \$110.00 terminal disclaimer fee under 37 CFR § 1.20(d). Please charge any additional fees or credit any overpayment to Deposit Account No. 14-1138. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date:

August 13, 2004



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| Certificate of Mailing - 37 CFR 1.8(a) | |
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| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450, on the date below. | |
| Date | 8/13/04 Wendy L. Barry |